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APPLICATION NO.	. F	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/600,092 06/20/2003		David Matthew LaCroix	3616.167USC2	9147	
23552	7590	03/15/2005	•	EXAMINER	
MERCHA P.O. BOX 2		OULD PC		POE, MIC	CHAEL I
MINNEAPOLIS, MN 55402-0903				ART UNIT	PAPER NUMBER
				1732	
				DATE MAIL ED: 02/15/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s)	·		<i>:</i> h/					
## Deficies Action Summary ## Deficies Action Summary ## Deficies Action Summary ## Deficies Action Summary ## Action In 1732 ## AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## Experience of times may be available under the provisions of 30 CFR 1.138(a). In no event, however, may a reply be timely filled. ## If the period is may superficial above, the maximum statemory period will apply and with eaplies SV, (b) MONTHS from the mailing date of risk communication in the period will apply and with eaplies SV, (b) MONTHS from the mailing date of risk communication and the three mailing date of risk communication. Any reply received by the Official international actin the mailing date of this communication. Any reply received by the Official international actin the mailing date of this communication. Any reply received by the Official international actin the mailing date of this communication, even if timely filed, may reduce any search period by the period of the communication. Any reply received by the Official international actin the mailing date of this communication, even if timely filed, may reduce any search period by the official and the three mailing date of this communication. Any reply remained by the Official and the three mailing date of this communication. Any in the period by the Official and the three mailing date of this communication. Any in the period by the California and the three mailing date of this communication. Any in the period by the Experiment of the mailing date of this communication. Any in the period of the date of the dat		Application No.	Applicant(s)					
Michael I. Poe	Office Action Summany	10/600,092	LACROIX ET AL.					
The MALLNE DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions to the major be available under the provision of 37 CFR 1.136(a), in no event, however, may a reply be timely filed Extensions to the major be available under the provision of 37 CFR 1.136(a), in no event, however, may a reply be timely filed If the period for reply reposition dows, the maximum of 37 CFR 1.136(b), in no event, however, may a reply be timely filed If the period for reply reposition dows, the maximum of a statutory period will apply and will expire \$K\$ (b) MCMTRS from the making date of this communication. Filed the period for reply the period dows, the maximum attention year will apply and will expire \$K\$ (b) MCMTRS from the making date of this communication, and the period of the period for reply will, by statute, cause the application is become Ashabitotic (b) (31 U.S. 2 § 123). Status 1)∑ Responsive to communication(s) filed on 20 June 2003. 2a) ☐ This action is FINAL. 2b)∑ This action is FINAL. 2b)∑ This action is FinAL. 2b)∑ Size this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)∑ Claim(s) 1-2Z is/are pending in the application. 4)∑ Claim(s) is/are allowed. 6)☐ Claim(s) is/are rejected. Claim(s) is/are rejected. Claim(s) is/are rejected. Claim(s) is/are rejected. Disposition of Claims is a subject to restriction and/or election requirement. Application Papers 9)☐ The specification is objected to by the Examiner. Application Papers 9)☐ The provision of the provision of the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to . See 37 CFR 1.121(d). 11)☐ The cath or decla	Onice Action Summary	Examiner	Art Unit					
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U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Art Unit: 1732

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-15 and 22-27, drawn to a mold box and mold assembly for producing a masonry unit, classified in class 425, subclass 443.
 - II. Claims 16-20, drawn to a method of manufacturing masonry units, classified in class 264, subclass 37.19.
 - III. Claim 21, drawn to a masonry unit, classified in class 52, subclass 316.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions of Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as a process wherein the masonry fill is not compacted within the mold box.

Inventions of Group I and Group III are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case, the product as claimed can be made by another and materially different apparatus such as an apparatus including abrading means for roughening the surface of a non-textured masonry block outside of the mold box.

Inventions of Group II and Group III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as a process wherein the roughened surface is formed by abrading the surface of a non-textured masonry block outside of the mold box.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate

status in the art as shown by their different classification, restriction for examination purposes as indicated

is proper.

4. A telephone call was made to applicant's attorney James Larson on March 7, 2005 to request an

oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of

the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named

inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of

inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37

CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Michael I. Poe whose telephone number is (571) 272-1207. The examiner can normally be

reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where

this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free).

Michael I. Poe Patent Examiner

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